

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT O. DINKINS,

Plaintiff,

v.

STATE OF MO, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

No. 4:20-cv-00809-JAR

MEMORANDUM AND ORDER

This matter comes before the Court on five motions filed by plaintiff Robert O. Dinkins following the dismissal of his case on October 1, 2020. (Docket Nos. 7-11). For the reasons discussed below, the motions will be denied.

Discussion

On October 1, 2020, the Court reviewed plaintiff's in forma pauperis complaint pursuant to 28 U.S.C. § 1915. (Docket No. 3). Following this review, the Court dismissed the action without prejudice. (Docket No. 4). On October 14, 2020, plaintiff filed five separate post-dismissal motions with the Court.

In the first motion, plaintiff seeks review of the Court's judgment in dismissing his case. (Docket No. 7). The second motion, titled "motion of ineffective assistance of counsel," argues that plaintiff's defense attorney was ineffective because plaintiff was only seventeen years old when his crime was committed and his sentence enhanced under the Armed Career Criminal Act. (Docket No. 8). The third motion, titled "motion of error and affidavit," contends that defendants subjected him to cruel and unusual punishment, due process violations, and denied him equal access and protection of the law. (Docket No. 9). As such, plaintiff states that the Court's dismissal

of his complaint was wrongful. Plaintiff's fourth motion is titled "motion of appeal from a judgment," and repeats plaintiff's assertion that his case should not have been dismissed. (Docket No. 10). Finally, in plaintiff's fifth motion, a "motion [to] re-litigate affirmative defenses," plaintiff states that he has new evidence showing he is factually innocent of the crime for which he was convicted and sentenced. (Docket No. 11).


Taken together, all of plaintiff's motions seek to have the Court reconsider its dismissal of his civil action. After reviewing each motion, however, the Court will decline to alter or amend its judgment. The Court concludes that plaintiff's motions fail to point to any manifest errors of law or fact, or any newly discovered evidence. Instead, the motions revisit the arguments and contentions plaintiff made in his initial filing. Therefore, the motions will be dismissed.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to amend sentence and dismiss (Docket No. 7), motion for ineffective assistance of counsel (Docket No. 8), motion of error and affidavit (Docket No. 9), motion of appeal from a judgment (Docket No. 10), and motion to relitigate affirmative defenses (Docket No. 11) is **DENIED**.

IT IS FURTHER ORDERED that an appeal from the denial of these motions would not be taken in good faith.

Dated this 19th day of October, 2020.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE